IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 14663 of 2004

Between:

Sri Satya Enterprises rep. by its Managing Partner D. Sujatha
W/o. D. Sampatha Rao Hyderabad

... PETITIONER

AND

1 The Superintending Engineer, P.R. CIRCLE, ADILABAD.
2 The Executive Engineer, Panchayat Raj Circle, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or direction, more particularly a Writ in the nature of mandamus under Article 226 Constitution of India, the 1st respondent by issuing Proceedings showing as short fall of Seignarage charges in Package ADBP 15-A, Dt. 29.03.2000 in terms of G.O.Ms.No. 331 I&C (M1), Dt. 21.06.2000 ordered recovery in some other Package ADBP 33-A after lapse of 4 years as illegal, improper and declared the said Proceedings No. HD/WBP/APERP/PIU/RVEO/87/02, Dt. 18.5.2004, as void and hereby set sided and pass.

Counsel for the Petitioner: SMT.A.PADMA

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following Order:

ORDER:

The first respondent by impugned proceedings dated 18-05-2004 informed the second respondent that the seignorage charges for the mineral consumed by various contractors, including the petitioner on the work executed under APERP has not effected in terms of instructions contained in G.O.Ms.No.3311 & C (M1) Department, dated 21-06-2000. Questioning the same, the present Writ Petition has been filed.

2. Learned counsel for the petitioner contends that petitioner entered into an agreement on 29-03-2000 and that the G.O. issued on 21-06-2000 was in force during the course of execution of the work and the first respondent ought to have recovered the seignorage charges as applicable, but having not done so and allowed the work to be completed, it is not open for them to recover the same. Learned counsel failed to answer the query whether the second respondent who is under obligation to recover the seignorage charges and deposit the same to the concerned department and whether the lapse on his part in ordering for recovery of the amount was pointed out as an intra-departmental correspondence, which the petitioner cannot question. As and when the second respondent issued proceedings for recovery of the amounts and if the contract does not provide for such recovery, if any, the petitioner is at liberty to question such recoveries made by the second respondent.

4. In view of the same, the present Writ Petition cannot be entertained and it is accordingly dismissed. No costs.

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(A. GOPAL REDDY, J)

August 23, 2004

MRR/MURTHY

To:

1 The Superintendent Engineer, P.R. CIRCLE, ADILABAD.
2 The Executive Engineer, Panchayat Raj Circle, Adilabad.

3 Two C.C.s to the G.P for Panchayat and Rural Development, High

Court Buildings, Hyderabad (OUT).

4 Two C.D. Copies.